IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE THIRD DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE BILAL NAZKI

-

WRIT PETITION NO : 24801 of 1995

Between:

K. Srinivasa Rao S/o. Sri Appa Rao,
Water Supply Dept. Visakha Steel Plant,

R/o. Visakhapatnam. **..... PETITIONER**

AND

1 The Joint Collector and Additional District Magistrate,
East Godavari District, Kakinada.
2 Visakhapatnam Steel Plant,
rep.by Superintendent, Water Supply Department,
Visakhapatnam-530 031. **.....RESPONDENTS**

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may will be pleased to call for the records from the respondents and issue a writ, order or direction, particularly one in the nature of Writ of Mandamus, declaring the order passed by the 1st Respondent in proceedings No.Rc.B2.10359/89 dated 31-12-1989, cancelling the caste certificate of the Petitioner as illegal, unjust, contrary to law and without jurisdiction and also further declare that the action of 2nd Respondent in trying to remove the Petitioner from service on the basis of the Enquiry Report submitted by the Enquiry Officer dated 24-7-1993, as illegal, unjust, contrary to law, violative of principles of natural justice, violative of Articles 14, 16 and 21 of the Constitution of India and invalid and grant the petitioner all consequential benefits.

Counsel for the Petitioner: MR.A.K.JAYAPRAKASH RAO

Counsel for the Respondent NO.1 : GP FOR SOCIAL WELFARE

Counsel for the Respondent NO.2: MR. V.RAVINDER BABU

The Court made the following :

ORDER:

The grievance of the petitioner is that the impugned order has been passed, cancelling his caste certificate, without affording him an opportunity of being heard. Though in the counter-affidavit it has been stated that an opportunity was given, but from the impugned order it becomes clear that there were two reports one by the Mandal Revenue Officer and another by the Revenue Divisional Officer. Since there were differences between the report of the Revenue Divisional Officer and the statements made by the petitioner, therefore it appears that the Revenue Divisional Officer was asked to go to the village and collect the evidence. Learned Counsel for the petitioner submits that petitioner was not associated with the enquiry made by the Revenue Divisional Officer in the village. This fact is not controverted. But it is submitted that the Joint Collector conducted another enquiry after that, in which the petitioner had participated. Be it as it may, during the pendency of this writ petition, the Andhra Pradesh (SC, ST & BCs) Regulation of Issue of Community Certificates Act, 1993 & Rules, 1997 (for short 'the Act'), has come into operation. By virtue of Section 7 of the Act, the order impugned is appealable before the Government.

Therefore, I deem it appropriate to dispose of the writ petition allowing the writ petitioner to move an appeal before the Government. There shall be stay for a period of four weeks in order to enable the petitioner to file an appeal before the Government.

3rd February, 2005

Note:

Furnish CC

within one week.

B/o

LUR

Copy to

1 The Joint Collector and Additional District Magistrate,
East Godavari District, Kakinada.
2 The Superintendent,

Visakhapatnam Steel Plant,
Water Supply Department,
Visakhapatnam-530 031.

3 Two C.Cs. to the G.P. for Social Welfare,

High Court Buildings,

High Court of A.P., Hyderabad, (OUT)

4 Two C.D. Copies.